

ethyl ketone peroxide, wherein the solvent is selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof. The method of making the stabilized primer composition of claim 21 involves mixing methyl ethyl ketone peroxide with a sufficient amount of solvent to form a *stabilized methyl ethyl ketone peroxide catalyst* having a shelf life of over 6 months, wherein the solvent is selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof. The *stabilized methyl ethyl ketone peroxide catalyst* of claim 24 *consists essentially of* methyl ethyl ketone peroxide, and a sufficient amount of a solvent to stabilize the methyl ethyl ketone peroxide, the solvent selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof. The stabilized methyl ethyl ketone peroxide catalyst has a shelf life of over 6 months. Thus, all of the claims require a *stabilized methyl ethyl ketone peroxide catalyst*.

Parish teaches a sprayable, high solids, low volatiles filler composition which includes a first filler/glazing component, a catalyst component, and a second organic solvent component. The first filler/glazing component includes ester resin, sprayable filler, thixotropic clays, phosphosilicate, an optional accelerator, and an optional first solvent. See col. 2, line 50 to col. 3, line 10. The optional first solvent is chosen from the group consisting of a highly volatile solvent, such as acetone, a solvent of medium volatility, such as ethyl acetate, and a solvent of low volatility, such as para methyl glycol ether acetate or mixtures thereof. See col. 5, lines 25-33. The optional first solvent is part of the first filler/glazing component. See col. 2, lines 63-65, col. 5, lines 61-63, col. 6, lines 22-23, col. 6, lines 47-48, and col. 7, lines 4-5.

The second organic solvent component is chosen from the group consisting of solvents of low volatility. Such solvents have high molecular weights and high flash points. See col. 5, lines 34-50. Ethyl acetate is not a solvent of low volatility, since the patent defines it as a solvent of medium volatility. See col. 5, lines 26-27. In addition, the second organic solvent is added to the filler/glazing component. See col. 5, lines 40-43. According to Parish, the addition of the second organic solvent to the filler/glazing component results in the two most unique properties of the coating. See col. 5, lines 40-50. The second organic solvent is added to the filler/glazing component prior to the

addition of the catalyst component. See col. 6, lines 6-8, col. 6, lines 30-34, col. 6, lines 54-58, and col. 7, lines 11-15.

The catalyst component, which can be methyl ethyl ketone peroxide, is added to the filler/glazing component after the second organic solvent is added.

Parish does not describe or suggest a stabilized methyl ethyl ketone peroxide catalyst. Parish does not describe or suggest adding solvent or anything else to the methyl ethyl ketone peroxide to stabilize it, or for any other purpose. Parish simply adds methyl ethyl ketone peroxide catalyst to the filler/glazing component after the second organic solvent has been added. At that stage the curing reaction will take place. There is no time for the methyl ethyl ketone peroxide catalyst to stabilize. Therefore, Parish does not teach or suggest the claimed stabilized methyl ethyl ketone peroxide catalyst.

Nor does Parish describe or suggest a primer composition with a shelf life of over 6 months as claimed, or a stabilized methyl ethyl ketone peroxide catalyst with a shelf life of over 6 months, as claimed.

According to the examiner, "Parish requires a composition comprising ester, solvent, and peroxide. Parish specifically recites ethyl acetate solvent and methylethylketone peroxide in the claims. . . . It is inescapable that Parish teaches a composition of ester, ethyl acetate, and methylethylketone peroxide." While those materials are present in Parish's composition, the claimed invention is neither anticipated by Parish nor obvious over Parish because applicants' claimed composition is not a mixture of an ester, solvent, and catalyst. Rather it is a mixture of ester and stabilized catalyst. As pointed out above, when Parish creates his mixture a reaction will take place. The methyl ethyl ketone catalyst will not stabilize, it will be part of a catalytic reaction. Accordingly, Parish does not teach or suggest the claimed stabilized methyl ethyl ketone peroxide catalyst, as discussed above.

In addition, Parish does not teach or suggest the claimed method of making a stabilized primer composition. In Parish, the filler/glazing component is prepared, the second organic solvent is added to the filler/glazing component, and then the catalyst component is added to the filler/glazing component. The claimed method involves

mixing methyl ethyl ketone peroxide with a sufficient amount of solvent to form a stabilized methyl ethyl ketone peroxide catalyst having a shelf life of over 6 months, wherein the solvent is selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof; and adding the stabilized methyl ethyl ketone peroxide catalyst to a primer composition to form the stabilized primer composition, wherein the stabilized primer composition has a shelf life of over 6 months. Parish does not teach mixing the methyl ethyl ketone peroxide with any material prior to adding it to the filler/glazing component. Moreover, Parish does not teach or suggest a stabilized methyl ethyl ketone peroxide catalyst with a shelf life of over 6 months. Thus, Parish does not teach or suggest the claimed method of making a stabilized primer composition.

Therefore, claims 16-25 are not anticipated by Parish nor would they have been obvious over Parish to one of ordinary skill in the art at the time the invention was made.

The rejection of claims 16-25 under 35 U.S.C. § 102(e) as being anticipated by Patel or as being obvious to one of ordinary skill in the art is respectfully traversed. Patel teaches quick drying coating compositions for fingernails. The base component includes a primary film-forming polymer, a secondary film-forming polymer, a reactive species compatible with the film-forming polymers, plasticizer, a solvent system, and a free radical source. The coating compositions can include pigment components if desired.

The primary and secondary film-forming polymers of the base component can be polyesters. See col. 3, line 58 to col. 4, line 55. The solvent systems suitable for use in the base component typically include ethyl acetate with at least one of isobutyl acetate and butyl acetate, although other solvents can be used. See col. 7, lines 26-49. The free radical source can be methyl ethyl ketone peroxides, among other compounds. See col. 6, line 58 to col. 7, line 3.

As discussed above, all of the claims require a *stabilized methyl ethyl ketone peroxide catalyst*. Patel does not describe or suggest a stabilized methyl ethyl ketone peroxide catalyst. Nowhere in Patel is there any description or suggestion of adding solvent to the methyl ethyl ketone peroxide to stabilize it. Patel states that the free radical source can be added to the base component as a separate component or in combination

with one or more of the other components, e.g., in combination with a film-forming polymer. See col. 7, lines 18-21. The examples show the incorporation of the free radical source in polyethyl methacrylate polymer, one of the film-forming polymers. See Examples 1-4, col. 11, lines 3-23. No reason is given for combining the free radical source with another component. Nowhere does Patel teach or suggest that solvent be added to the free radical source to stabilize it. Moreover, Patel neither teaches nor suggests a stabilized methyl ethyl ketone peroxide catalyst having a shelf life of over 6 months, as claimed.

Thus, Patel neither teaches nor suggests the claimed stabilized methyl ethyl ketone peroxide catalyst.

In addition, Patel does not teach or suggest the claimed method of making a stabilized primer composition. In Patel, the base component is formed by mixing the solvents to produce a low boiling point solvent system. The monomer component is then added to the solvent system. Then, a primary film-forming polymer, a secondary film-forming polymer, and at least one plasticizer are added stepwise in any order in conjunction with vigorous mixing until a viscous solution is produced. After the viscous solution is produced, an optional thixotropic agent may be added, if desired, to the solution in conjunction with vigorous stirring for a period sufficient to produce the base component. No mention is made of the addition of the free radical source, apparently because it is incorporated in the film-forming polymers. See col. 9, lines 40-50 and Examples 1-4, col. 11, lines 3-23.

The claimed method involves mixing methyl ethyl ketone peroxide with a sufficient amount of solvent to form a stabilized methyl ethyl ketone peroxide catalyst having a shelf life of over 6 months, wherein the solvent is selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof; and adding the stabilized methyl ethyl ketone peroxide catalyst to a primer composition to form the stabilized primer composition, wherein the stabilized primer composition has a shelf life of over 6 months. Patel does not teach mixing the free radical source with solvent prior to adding it to the base component composition, nor does it teach adding the free radical source to the

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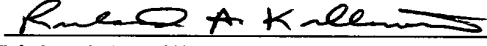
solvent system first. Moreover, Patel does not teach or suggest a stabilized methyl ethyl ketone peroxide catalyst with a shelf life of over 6 months. Thus, Patel does not teach or suggest the claimed method of making a stabilized primer composition.

Therefore, claims 16-25 are not anticipated by Patel nor would they have been obvious over Patel to one of ordinary skill in the art at the time the invention was made.

CONCLUSION

Applicants respectfully submit that, in view of the above remarks, the application is now in condition for allowance. Early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
KILLWORTH, GOTTMAN, HAGAN
& SCHAEFF, L.L.P.

By 
Richard A. Killworth
Registration No. 26,397

One Dayton Centre
One South Main Street, Suite 500
Dayton, Ohio 45402-2023
Telephone: (937) 223-2050
Facsimile: (937) 223-0724

RAK/PLP/amm